

To: The Honorable Mayor and City Council

From: Vernon Paul, Jr., Finance Director 

Date: May 22, 2012

RE: CONSIDERATION AND ENDORSEMENT BY MAYOR AND CITY COUNCIL OF RESOLUTION APPROVING FORM AND CIRCULATION OF INITIATIVE REGARDING ISSUANCE OF \$15,000,000 OF GENERAL OBLIGATION BONDS, TO FUND THE EXPANSION AND RE-CONSTRUCTION OF THE CITY OF NORTH MIAMI MUSEUM OF CONTEMPORARY ART SUBJECT TO REFERENDUM AND APPROVAL BY THE PEOPLE OF NORTH MIAMI.

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#### **RECOMMENDATION**

It is recommended that the Mayor and City Council endorse and approve the proposed general obligation bond resolution.

#### **BACKGROUND**

The opportunity for North Miami citizens to continue receiving quality programs and education in the art at MOCA of North Miami since its opening in 1981 relies on the expansion of MOCA. As quoted in the Miami Herald, MOCA has earned a reputation to be the promoter of undiscovered talent while putting the region on the contemporary art world's map. The City would like to issue a General Obligation Bond to acquire capital funding for the expansion of MOCA. The recommended total amount of General Obligation bond funding is \$15,000,000. This amount reflects the estimated cost for the project and the requested authorization. The Council may wish to confirm the anticipated operating and maintenance costs for this project.

On August 14, 2012, the City of North Miami will hold a primary election. In order to add the proposed GOB referendum on the ballot, Florida Statutes require that the municipal clerk obtain consent from the Supervisor of Election to add the recommended resolution. The deadline to submit the proposed resolution is May 25, 2012. The City's bond counsel needs to prepare a resolution for consideration by the Council that does not include the ballot proposition format or polling places. The resolution should make reference of the bond election held in the voting precincts of the county where city electors may vote. Specific language



## Council Report

concerning polling places should be noted on the resolution. Bond counsel has to prepare a plan or scenario relating to the ballot proposition format. The proposed project needs to be listed separately. If voters approve the referendum, the debt millage rate will be included on July 2013 TRIM notices starting with the collection of taxes effective November 2013.

### Attachments

- (1) Resolution

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, CALLING AND PROVIDING FOR A REFERENDUM ELECTION ON TUESDAY, AUGUST 14, 2012, IN THE CITY OF NORTH MIAMI TO DETERMINE WHETHER THE CITY SHALL BE AUTHORIZED BY THE VOTERS TO ISSUE GENERAL OBLIGATION BONDS OF THE CITY OF NORTH MIAMI, IN AN AMOUNT NOT TO EXCEED FIFTEEN MILLION DOLLARS (\$15,000,000.00), TO FINANCE THE RENOVATION AND EXPANSION OF THE CITY OF NORTH MIAMI MUSEUM OF CONTEMPORARY ART (MOCA); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, pursuant to the Constitution of the State of Florida, and Chapter 166, Part II, Florida Statutes, as amended, the City of North Miami ("City") is authorized to issue bonds to finance and refinance the cost of capital improvements; and

**WHEREAS**, the City desires to expand the Museum of Contemporary Art (MOCA) in order to properly maintain and exhibit an expanding collection of artwork, and to continue to provide quality educational programs and events; and

**WHEREAS**, it is anticipated that the renovation and expansion of MOCA will be achieved at a cost not to exceed Fifteen Million Dollars (\$15,000,000.00); and

**WHEREAS**, the Mayor and City Council desire to issue General Obligation Bonds to finance this important and historic expansion of MOCA, which is expected to enrich not only the City, but the entire region for generations to come; and

**WHEREAS**, the issuance of General Obligation Bonds, if authorized by the majority of voters in a referendum, will enable the much needed expansion and improvement of MOCA to be realized.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1.** That this Resolution is adopted pursuant to the provisions of Section 100.341, Florida Statutes, Section 166.101, et seq., Florida Statutes, and other applicable provisions of law.

**Section 2.** That it is hereby found and determined by the Mayor and City Council, that it is necessary, desirable, and in the best interest of the City and its inhabitants that General Obligation Bonds of the City of North Miami be issued in an amount not exceeding Fifteen Million Dollars (\$15,000,000.00) to finance the renovation and expansion of MOCA.

**Section 3.** That such bonds may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, registered or not, with or without coupon, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics as may be provided by resolution or ordinance or trust indenture or mortgage issued by the Mayor and City Council, pursuant thereto.

**Section 4.** That the above referenced bonds shall bear interest at a rate or rates determined by the Mayor and City Council, not in excess of the maximum rate of interest established by law for such obligations at the time of their issuance, and shall mature no later

than twenty (20) years from the date of such bonds. Such bonds shall be payable as to both principal and interest, and premium, if any, from ad valorem taxes levied on all taxable property in the City without limit as to rate or amount.

**Section 5.** That the Mayor and City Council does hereby designate the primary election which will be held on Tuesday, August 14, 2012, as the day for submission to the qualified voters of the City of North Miami, on the form of ballot embodied in the Notice of Election attached hereto and incorporated herein as Exhibit I, a measure for determining whether or not the issuance of the General Obligation Bonds for the purposes described herein shall be authorized.

**Section 6.** That the election on August 14, 2012, shall be administered by the Miami-Dade County Supervisor of Elections and shall be conducted in accordance with the applicable provisions of the Florida Statutes, Miami-Dade County Code of Ordinances, and the City of North Miami Code of Ordinances, and the polling places shall be those polling places in the City of North Miami as provided by law for such election.

**Section 7.** That the City Clerk is hereby directed to cause said Notice of Election, as attached hereto, to be published in a newspaper of general circulation in the City, at least thirty (30) days prior to August 14, 2012, once in the fifth week prior to the week of the election, and once in the third week prior to the week of the election, as required by Section 100.342, Florida Statutes.

**Section 8.** That the registration books of the City of North Miami, being handled by Miami-Dade County Supervisor of Election, shall be closed for the period preceding and subsequent to the election as provided by law and all registered voters of the City of North Miami shall be authorized to vote on the proposed General Obligation Bond issue measure.

**Section 9.** That if a majority of electors voting on this measure, vote for or in favor of approval of this General Obligation Bond measure, then such bonds may be issued by the Mayor and City Council.

**Section 10.** That the City Clerk shall provide the ballot language from the attached Notice of Election to the Miami-Dade County Supervisor of Election in a timely manner, and may make any technical clerical revision required by the Miami-Dade County Supervisor of Election.

**Section 11.** That this Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_\_ day of May, 2012.

\_\_\_\_\_  
ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Vote:

Mayor Andre D. Pierre, Esq.

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Vice Mayor Jean R. Marcellus

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilperson Michael R. Blynn, Esq.

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilperson Scott Galvin

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Councilperson Marie Erlande Steril

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

**EXHIBIT I**

**CITY OF NORTH MIAMI**  
**NOTICE OF ELECTION**

**NOTICE IS HEREBY GIVEN**, pursuant to Resolution R-2012-\_\_\_ of the Mayor and City Council of the City of North Miami, passed and adopted on the 22 day of May, 2012, that at the primary election to be held on Tuesday, August 14, 2012, there will be submitted to the registered voters of the City of North Miami by referendum, the question of approval or disapproval of the issuance of not exceeding Fifteen Million Dollars (\$15,000,000.00) of General Obligation Bonds of the City of North Miami to finance the expansion and improvement of the City of North Miami Museum of Contemporary Art (MOCA).

The following ballot, substantially in the form set forth below shall be utilized for submission of this measure to the voters:

**OFFICIAL BALLOT FOR CITY OF NORTH MIAMI**

**BOND REFERENDUM**

**“AUTHORIZATION OF GENERAL OBLIGATION BONDS FOR CITY OF NORTH MIAMI MUSEUM OF CONTEMPORARY ART**

Pursuant to City Council Resolution R-2012-\_\_\_, adopted on May 22, 2012, shall the City of North Miami, Florida, issue General Obligation Bonds of the City in an amount not exceeding Fifteen Million Dollars (\$15,000,000.00), bearing interest at such rate or rates not in excess of the maximum rate of interest established by law, at the time of issuance of such Bonds, maturing no later than twenty (20) years from the date of issuance of such Bonds, to finance a project to construct the expansion and renovation of the City of North Miami Museum of



Contemporary Art (MOCA), with the principal of , interest on, and premium, if any, on such bonds being payable from ad valorem tax levied on all taxable property in the City without limit as to rate or amount?

( ) FOR BONDS

( ) AGAINST BONDS”

The said election shall be conducted and the polling places shall be open between the hours of 7:00 a.m. and 7:00 p.m. on Tuesday, the 14<sup>th</sup> day of August, 2012.

Polling place information is available at the Office of the City Clerk at City Hall, 776 N.E. 125<sup>th</sup> Street, North Miami, Florida.

All registered voters of the City of North Miami shall be authorized to vote on this bond referendum. The issuance of the bonds will not be authorized unless approved by a majority of electors voting on this issue.

CITY OF NORTH MIAMI, FLORIDA

By: \_\_\_\_\_  
ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

**Sample Resolution**

**RESOLUTION AUTHORIZING GENERAL OBLIGATION BOND**

\_\_\_\_\_ County Fire Protection District No. \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_**

WHEREAS, the Board of Fire Commissioners of the district deem it essential and necessary for the protection of public health, life, and property that \$ \_\_\_\_\_ be obtained for the firefighting facilities and equipment of the district; and,

WHEREAS, in the judgement of the Board of Fire Commissioners, it is therefore necessary that the district obtain the sum of \$ \_\_\_\_\_ for the purpose of \_\_\_\_\_; and,

WHEREAS, in the judgement of the Board of Fire Commissioners it would be to the advantage of the taxpayers of the district to vote a General Obligation of the district for \_\_\_\_\_ years to secure this amount;

NOW, THEREFORE BE IT RESOLVED, that \_\_\_\_\_ County Fire Protection District No. \_\_\_\_\_ offer to the voters of \_\_\_\_\_ County Fire Protection District No. \_\_\_\_\_, a proposition to authorize a General Obligation of the district and that the commissioners of \_\_\_\_\_ County Fire Protection District No. \_\_\_\_\_, be authorized to issue General Obligation Bonds in the amount of \$ \_\_\_\_\_ to be redeemed by a tax in excess of the regular property tax levies authorized under RCW 52 and RCW 84.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Secretary

**Sample Ballot for General Obligation Bond Issue**

**OFFICIAL BALLOT**

**Fire Protection District No. \_\_\_\_\_**

**\_\_\_\_\_ County, Washington**

**SPECIAL ELECTION**

\_\_\_\_\_  
(Month/Day/Year)

INSTRUCTIONS: To vote for or against a proposition, place an X in the appropriate box following the proposition.

**PROPOSITION NO. I**

**GENERAL OBLIGATION BONDS \$ \_\_\_\_\_**

Shall Fire Protection District No. \_\_\_\_\_, \_\_\_\_\_ County, Washington, incur a general indebtedness and issue its general obligation bonds in the sum of \$ \_\_\_\_\_, and in no event exceed an amount, together with any outstanding general obligation indebtedness, equal to  $\frac{3}{4}$  of one percent of the assessed valuation of the taxable property within the fire district, for capital purposes only, other than the replacement of equipment, to wit:

(INSERT HERE THE PURPOSE FOR WHICH THE BONDS ARE BEING SOLD. FOR EXAMPLE: CONSTRUCTION AND EQUIPPING THE FIRE STATION, OR ACQUIRING NEW FIRE TRUCKS AND NECESSARY EQUIPMENT THEREFORE, ETC.)

Said bonds to mature in from two to not more than \_\_\_\_\_ years from date of issue, and the principal and interest thereof be payable from the annual tax levies in excess of the \$10.00 PER THOUSAND LIMITATION, all as provided in RESOLUTION NO. \_\_\_\_\_ of the District.

**BONDS ..... YES ☐**

**BONDS ..... NO ☐**